Sectt. II,27—10,000—20-12-38.

Development (1938) Department.

Qms SERIES.

G.O. No. 69

Dated 14 3 940

[Despatch Abstract.]

Mines - Bellary - Red Oxide of iron - Mining lease - Sri S.S.Guzdar of Calcutta - Appeal - Orders passed

will not be in any way liable for non-performance either in whole or in part of any contract or for any delay in performance thereof in consequence of strikes, shortage of labour, break down or accident to machinery or other accidents of whatever nature, failure on the part of the Railway Company to supply sufficient wagons to carry essential raw materials to and finished products from the Works and all causes of whatever nature beyond my control.

Prices subject to fluctuations.

S. S. GUZDAR,

PROPRIETOR OF

MINES-CHRYSOTILETTIC MINERAL POWDER.
MAGNESIUM MINERAL PRODUCT.
BARYTES.
GRAPHITE.
GARNET.
GALENA.
ASBESTOS.
LIME.
SILICA.
MICA.
RED OXIDE OF IRON.
SOAP STONE.
MANGANESE.

226, BOW BAZAR STREET,

Calcutta, (India) 193

Cuddapah,
24th, August, 1939.

Chief Sectt

Dear Sir

From:
Sri.S.S.Guzdar,
Mines Owner,
226.Bow Bazaar, C A L C U T T A.

To
The Chief Secretary,
to His Excellency the Governor-in-Council,
Fort St.George, M A D R A S.

Through
The Collector,
B E L L A R Y.

and
The Secretary,
Board of Revenue, M A D R A S.

May it please His Excellency,

Sub:- Mining-Red oxide of iron-Bellary District-Bellary Taluk-Haragandona Village-S.No.276 part-117 Acres S.No.311 Part-3 Acres- Janikunta village- S.No.326 Part- 112 Acres- Hospet Taluk-Tumati village-S.No. 3-Mining Lease-30 Years- Appeal- Submission of-

Ref:- 1. B.P. No.1519 M.S. dated 30-5-38 communicated in Bellary Collector's M.L.A. 1/38 d/ 6-6-38.
2. Bellary Collector's D.Dis. 2745-38 d/19-12-38.
3. Bellary Collector's L.Dis.No.2987-39 d/ 19-7-39 communicating the proceedings of D.Dis. M.L.A. 1/36 dated 5-1-39.

The humble petition of Sri, S.S.Guzdar, 226, Bow Bazar, Calcutta, most humbly and respectfully showeth:-

The petitioner is doing mining business for the past 30 years and has sent his authorized agent, G.M.Salaruddin of Calcutta, in 1929 since which time he is doing mining busi-

business in the Madras Presidency by securing plots after due protracted investigations at the expenses of high magnitude amounting to about six lakhs of rupees.

The soul of the human body of mining of business is priority of right to which if due consideration is not paid mining business is dead. As regards the priority of right Rule 42, Part III, Chapter VI, of the Madras Mining Manual, specifically shows that the prior right to the concession be deemed to be with the applicant possessing a valid certificate of approval and after compliance with the proceedure prescribed by the rules in the form in Appendix VI in Chapter VIII, shall have been the first to file his application with the Collector.

In securing the plots on exhaustive expenses and inexplicable difficulties for nearly 1½ years, his agent at last, found the mineral, Red Oxide of Iron, in Bellary Taluk. After carrying out preliminary experiments for deposit, analysis, and associated examinations, the petitioner, after due satisfaction with the mineral, ordered his agent to submit a mining lease application in the prescribed form as per rules which he did so on 23-6-36, to the Collector, Bellary, for the plots in S.Nos. 276 and 311 of Haragandona, 326 of Janikunta and 3 of Tumati villages of Bellary and Hospet Taluks respectively of Bellary District.

The petitioner, in obedience to Ref.No.A1-1-36 dated 7-7-36, credited the security deposit of Rs.500/- on 24-7-36 and a further sum of Rs.60/- for demarcating, surveying and mapping charges for the plots whose survey took place for about 15 days and was finished by 20-10-36

by 20-10-36 with the utmost difficulties.

Subsequently the solicitor's fee of Rs.50/- for the scrutiny of the deed and Rs.25/- towards printing charges were also called for which were also credited.

Finally orders were issued in Ref. M.L.A. 1/38 dated 6-6-38 to the effect that the Board in its proceedings No.1519 M.S. dated 30-5-38 has approved the draft mining lease and the grant of mining lease sanctioned in B.P.MISC. 7 dated 3-1-38.

Preliminary activities for development of the business with a considarable expenditure began for commencement of of work for export of the mineral and so reminders requesting early orders for registration began to run for a period of nearly a year when a shock of thunder cancelling the rights of the petitioner was issued in Collector's Ref. No. D.Dis. 2745/38 dated 19-12-38.

In this connection the petitioner submits that after complying with all the orders of the Collector, Bellary, issued from time to time with considerably a large amount of expenditure for a period of four years, he received orders of Injustice though he has priority of right.

It is not understandable how the Board has cancelled his lease though it was originally sanctioned to him and granted the same to Mr.V.Rangaswami Chetty of Tadpatri, who has no right at all to prefer even an appeal after such a long period and what he was doing from the beginning.

Wherefore the petitioner humbly prays His Excellency

His Excellency will be pleased to personally peruse the records concerned and pass orders of Justice.

For which act of His Excellency's kindness, the petitioner ever prays,

He begs to remain,

His Excellency's

Most obedient servant,

G. M. Salaruddin
24-8-39

For Sri, S.S.Guzdar, Calcutta,

Address.
G.M.Salaruddin,
Authorized Agent of
S.S.Guzdar Esq., Calcutta.
Gandla Street, C U D D A P A H.

Copy submitted direct to the Chief Secretary to His Excellency the Governor in Council, Fort.St.George, M A D R A S, for favour of early information and necessary action.

5

6. ER 23.10.39.
ER 4.12.39.
ER 9.1.40.

Dev. Deptt.

Endt. No. 24241 II/39-1 dt 9.9.39.

Referred to the Board of Revenue for ~~remarks~~ report.

IAS.
6.9.39.

M.P. 25

To the Board of Revenue.

C.F. 31—17,006—3-2-37.

DEVELOPMENT - **DEPARTMENT.**

CURRENT No. 3030

Received 31 JAN 1940 19. *Registered* _____ 19

ASSISTANT SECRETARY TO GOVERNMENT :: DEVELOPMENT DEPARTMENT

Subject.

Mining - Lease - Red Oxide - (Bellary) - Bellary Taluk - S.No.276 of Haragandōna village and S.No.326 of Janikūnta village - Cancellation - Petition from Sri S.S.Guzdar -

:::

Reference--NoI-4373/39.3,

Station Madras, *Dated the* 25th January 1940.

From R.A.Gopalswami, Esquire, I.C.S.,

Joint Secretary,

Board of Revenue.

C.A.Henderson, Esquire, C.S.I., V.D., I.C.S., Commissioner of Land Revenue and Irrigation.

:-: Read the following papers:-

Endorsement from Government, Development Department, No. 24241-II/39.1, dated the 9th September 1939.

II

Letter from A.D.Crombie, Esquire, C.I.E., I.C.S., Collector of Bellary, R.O.C.No.3886/39-A.1, dated the 16th Septr. 1939.

III

Letter from A.D.Crombie, Esquire, C.I.E., I.C.S., Collector of Bellary, Ref.C.No.3886/39-A.1, dated the 9th December 1939.

-:-

REFERENCE.

With reference to their Endorsement cited above, the Board invites the attention of the Government to the correspondence ending with G.O.No.Misc., 2871 Development dated the 16th November 1938. In pursuance of the Orders in paragraph

(2)

in paragraph 2 of the G.O., the Board cancelled its proceedings Misc., No.7 dated the 3rd January 1938 sanctioning the grant of the lease to Sri S.S.Guzdar.

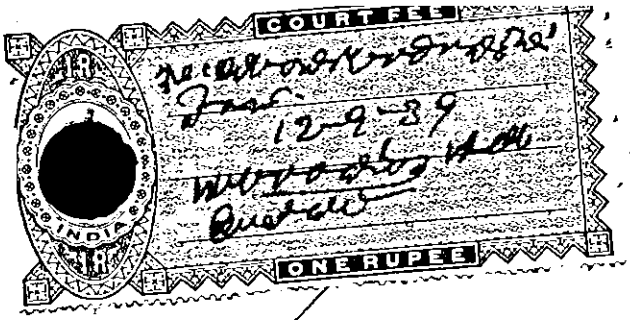
2. The Board also submits that S.No.311 of Haragandana village and S.No.3 of Tumati village mentioned in the subject heading of the petition were not leased out to the petitioner and that they form only the boundaries of S.No.326 of Janikunta village.

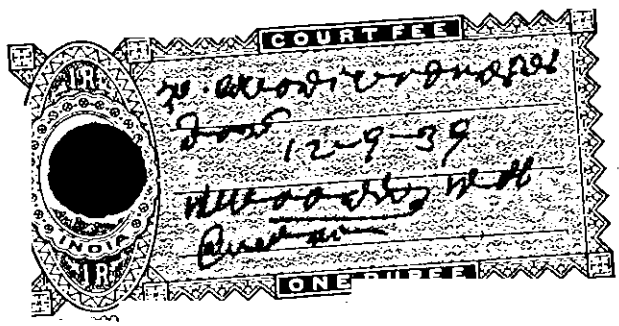
for Joint Secretary. 29.1.40

To the Secretary to the Government, Development Department,

with a petition.

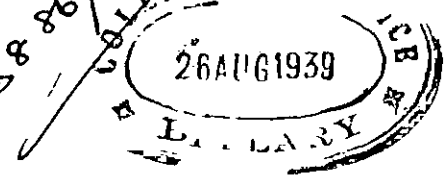
c.n.n./27-1-1940.





A.1

3886/39



Cuddapah,
24th, August, 1939.

From:
Sri.S.S.Guzdar,
xxxxxxx Mines Owner,
226.Bow Bazar, C A L C U T T A.

To
The Chief Secretary,
to His Excellency the Governor-in-Council,
Fort St.George, M A D R A S.

Through
The Collector,
B E L L A R Y.

and
The Secretary,
Board of Revenue, M A D R A S.

Same as p 1 ante

May it please His Excellency,

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Received in Rev.

Ref:- 1. B.P. No.1513 M.S. dated 30-5-36 communicated in Bellary Collector's M.L.A. 1/36 d/ 6-6-36. ✓
2. Bellary Collector's D.Dis. 2745-38 d/19-12-38. ✓
3. Bellary Collector's L.Dis.No.2887-39 d/ 19-7-39 communicating the proceedings of D.Dis. M.L.A. 1/36 dated 5-1-37. ✓

DDis Gn.L.A 1/36-P.165 (R)
do P.171-172 "
DDis C 2745/38 & P-17 (C) 19-12-38
Lr.C.2887/39 & 19-7-39 P-3 (D)
DDis Gn L.A 1/36 & 5-1-37-P 207 (R)

The humble petition of Sri, S.S.Guzdar, 226, Bow Bazar, Calcutta, most humbly and respectfully showeth:-

The petitioner is doing mining business for the past 3 years and has sent his authorized agent, G.M.Sirajuddin of Calcutta, in 1936 since which time he is doing mining busi-

business in the Madras Presidency by securing plots after due protracted investigations at the expenses of high magnitude amounting to about six lakhs of rupees.

The soul of the human body of mining of business is priority of right to which if due consideration is not paid mining business is dead. As regards the priority of right Rule 42, Part III, Chapter VI, of the Madras Mining Manual, specifically shows that the prior right to the concession be deemed to be with the applicant possessing a valid certificate of approval and after compliance with the proceedure prescribed by the rules in the form in Appendix VI in Chapter VIII, shall have been the first to file his application with the Collector.

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The petitioner, in obedience to Ref.No.A1-1-36 dated 7-7-36, credited the security deposit of 3.5 /- on 24-7-36 and a further sum of 3.6 /- for demarcating, surveying and mapping charges for the plots whose survey took place for about 15 days and was finished by 2-1-36

by 20-10-36 with the utmost difficulties. 10 Same as para 2 above

Subsequently the solicitor's fee of Rs.5[illegible]/- for the scrutiny of the deed and Rs.25/- towards printing charges were also called for which were also credited.

Dis M.A.A1/36 5.1.39 P-109 (R) P-111

Finally orders were issued in Ref. M.L.A. 1/36 dated 6-6-36 to the effect that the Board in its proceedings No.1516 M.S. dated 30-5-36 has approved the draft mining lease and the grant of mining lease sanctioned in B.P.MI C. 7 dated 3-1-36.

P 165 (R)

P.147 (R)

Preliminary activities for development of the business with a considerable expenditure began for commencement of work for export of the mineral and so reminders requesting early orders for registration began to run for a period of nearly a year when a shock of thunder cancelling the rights of the petitioner was issued in Collector's Ref. No. D.Dis. 2745/38 dated 19-12-38.

Dis C.2745/38 19.12.38 - P17 (C)

In this connection the petitioner submits that after complying with all the orders of the Collector, Bellary, issued from time to time with considerably a large amount of expenditure for a period of four years, he received orders of Injustice though he has priority of right.

It is not understandable how the Board has cancelled his lease though it was originally sanctioned to him and granted the same to Mr.V.Rangaswami Chetty of Tadpatri, who has no right at all to prefer even an appeal after such a long period and what he was doing from the beginning.

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His Excellency's

Most obedient serv nt,

G. M. Salaruddin
24-8-39

For Sri, S.S.Guzdar, Calcutta,

Address.
G.M.Sal ruddin,
Authorized Agent of
S.S.Guzdar Esq., Calcutta.
Gandla Street, C U D D A P A H.

Copy submitted direct to the Chief Secretary to His Excellency to the Governor in Council, Fort.St.George, M A D R A S, for favour of early information and necess ry action.

12

Dev. Dept.

Sub: Mining lease. Bellary. Red Oxide of Iron. Sri S.S. Guzdar of Calcutta. appeal.

U.S.

Please see the appeal petition from Sri ~~S.~~ Guzdar of, Calcutta, ~~against the~~ against the orders communicated to him in Bellary Collector's Ref No. D. Dis 2745/38 d 19.12.38, declining to grant him a mining lease over certain areas in the Bellary Dt. for mining red oxide of iron. and granting ~~a prospecting licence to~~ it to Sri V. Rangaswami Chetti of Tadpatri. Sri Guzdar also refers to a certain letter from the Collector of Bellary. L. Dis No 2287-39 d 19.7.39 communicating the proceedings of D. Dis M.L.A 1/36 d 5.1.39. If the appeal is against the orders issued in this letter, the appeal is within the prescribed time of 3 months. Otherwise it is time-barred.

IA: nil 3 C.F.

~~Further~~ In G.O. No 2871 Dev d 16.11.38, it was ordered that Sri Rangasami chetti of Tadpatri should be given a prospecting licence for red oxide of iron in preference to Sri Guzdar of Calcutta. The collector's orders ~~are~~ D.Dis 2745/38 dt 19.12.1938 are evidently based on the above orders of Govt. In the circumstances, the appeal of

Sri Gurzdar may be rejected. But it is not clear what the Collector D. No 2987/39 & 4.7.39 refers to. It is for orders whether ~~the appeal will be rejected or~~ a report from the Board of Revenue will be called for

Das
10.8.39.

The petn refers to some Communication from the Collector, subsequent to G.O. No 2871 & 16.11.38. It may be advisable to call for a report from the Bd of Revs.

C f/ Cf

Flag Z.

RR 1/9

S Yes. Call for a report
CWO
4/9/39.

U.S.

A draft Endt is submitted for approval

Das
6.9.39

RR 8-9-39

[Issued as Endt No 24241-II/39-1 d 9.9.39. f 5 Cf

From the Board of Revenue No 9-4373/39-3 d 26.1.40].

pp 6.7 Cf

U.S.

Mr. M. Salauddin of Cuddapah, agent of S.S. Gurzdar of Calcutta, presented to the Collector of Bellary on 24.6.36

Appn for C.D. (2)
2.7.38

an application for a mining lease in the prescribed form for mining red oxide of iron in S. No. 326 of Tanikunta and S. No. 276 of Haraganadona villages of Bellary Dt. On the same day, a telegram was recd. from by the Collector of Bellary, from Sri V. Redda Rangaswami Chetty of Tadpatri, for a prospecting licence ~~for~~ for S. No. 326 of Tanikunta village. ~~The~~ The application in the Prescribed form was received by the Collector from Sri Rangaswami chetty on 26.6.36. The Collector held that Sri Guzdar was the first applicant. The Board also held the same view and rejected Sri Rangaswami chetti's appeal to the Board on 3.6.38.

Sri Rangaswami Chetty appealed to Govt on 24.6.38. For the reasons set forth in the order, Govt. set aside the orders of the Board of Revenue and directed that the prospecting licence should be granted to Sri Rangaswami chetti.

Sri Guzdar has now appealed against the proceedings of the ~~Collector~~ Board in granting the licence to Sri Rangaswami chetti But ~~this has been~~ the ~~collector~~ Board has granted the licence to Sri Rangaswami Chetti only in accordance with ~~to~~ the orders of Govt.

4 15

In the circumstances, it is for orders whether the appeal of Sri Sundar will be rejected. Subject to orders, a draft is submitted

A

The petition has been stamped with Court fee stamps to the value of Rs 2/- As the petition need not be stamped, the value of the stamps less two annas has to be refunded under para 6 (3)(ii) of B.S. 0172. A certificate and advice for payment are also put up.

p 8 ℄ E

precedent at (F) Go 2133 Dw 30.8.35

p 941 ℄ BSO Vol IV Bk 82 in Sl no thereof.

D.A.S. 9.2.40.

A. In view of the orders in the Govt at (2), the present appeal may be rejected

G O 2871 16.11.3

12/2

Yes - in any case, it is for late a petition can be done

Enclosed 10/2/40

34
14/3

16

DRAFT FOR APPROVAL.

G.F.16.
Development Dept.

	Date.	Initials.
When received for fair copying ...	14/3	
When copied ..		
When examined...	15/3/40	
When signed ...		
When despatched.		

SUBJECT:— Mines. Bellary - Red Oxide of iron - ~~Prospecting~~ Mining lease - ~~licence~~ - Sri S. S. Guzdar of Calcutta - Appeal - Orders passed.

READ AGAIN G. O. 2871 Dev., dated 16 - 11 - 1938. (2)

" " " 19.

READ *ALSO*:—

No. 24241 II/39 From the Salaruddin, Agent of Sri Guzdar, No. nil; dated 24. 8. 1939. ppl-4 CF

" Endt. do, " the Board of Revenue " 24241 II/39-1 " 9. 9. 1939. p5 CF

" From the " " 4373/39-3 " 26. 1. 1940. pp6-7 CF

~~Order~~ ~~Resolution~~ ~~Ms.~~ ~~Rout.~~ No. 619, dated 14/3/1940.

To the Board of Revenue

G. M. Salaruddin,
Agent of Sri S. S. Guzdar of Calcutta,
Gandla Street,
Cuddapah.
(with encl)

C 1/3
Pl show before desp. d/s to petitioner with certificate
14/3

Pl show before desp
DAS
13/3

The appeal is rejected

DAS
8. 2. 40.

BS
G. 2

BL 12/2

12

17

Development Dept.

Govt. of Madras.

Advice.

To the Treasury Officer,

Cuddapah.

Dept'l Memo 17/5.

A certificate has this day been issued to the following individual for the refund of the value of excess Court fees stamps affixed to his ~~petition~~ appeal.

Town	Street	Name of the party.	Date of appeal	The value of Court fee stamps affixed.	Amount to be refunded.	Remarks.
Cuddapah.	Ganolla Street	G. M. Salamoddin.	24. 8. 39.	Rupees two only	1 - 14 - 0. Rupee one and annas fourteen only.	

Dev. Dept. Dated

18/2/2

U.S. to Sat

DAS
5.2.40.

91

Rev. Dept.

Govt. of Madras.

Certificate.

I hereby certify that court fee stamps to the value of Rs 2/- (Rupees two only) have been unnecessarily affixed to the appeal dated 24.8.39 and that G. M. Salaruddin, Gandla Street, Cuddapah is therefore entitled to receive back the sum of Rs 1/14 (Rupee one and annas fourteen only) within ninety days from the date of this certificate from the treasury at Cuddapah.

Rev. Dept.
Dated

12/2
Under Secy to Govt